

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL MCELFRESH,

Plaintiff,

v.

NEW YORK LIFE INSURANCE  
COMPANY,

Defendant.

Civil Action No. 22-4480

**MOTION TO STAY PROCEEDINGS**

The parties hereby respectfully request the Court stay proceedings for 90 days. In support of this request, the parties state the following:

1. Plaintiff initially filed this action on May 31, 2022 based on the deemed exhaustion of his claim. (Ct. Doc. 1)
2. As a potential way to avoid further litigation and save judicial resources, counsel for both parties has discussed and agreed that a stay of 90 days would allow time for Defendant to fully consider Plaintiff's claim and potentially avoid the need for further litigation if his claim is approved.
3. Thus, the parties propose reserving the issues of discovery and dispositive motion briefing until after the end of the stay, as a potential resolution during the stay may render those issues moot.
4. The parties propose that within 90 days, they file with the Court either a stipulation of dismissal, a motion for extension of the stay providing reasons for necessity of the

extension, or a status letter proposing updated briefing deadlines for Defendant's anticipated motion to dismiss.

5. The defendant states that by accepting and agreeing to review plaintiff's administrative appeal, it neither waives its objection that venue is improper in the Southern District of New York and that New York Life Insurance Company is not a proper party nor does it admit that venue is proper in the Southern District of New York and that New York Life Insurance Company is a proper defendant.

6. Plaintiff states that by agreeing to this stay, he does not waive his argument that the Court should review his claim under the de novo standard of review as outlined in his Complaint ¶14-26.

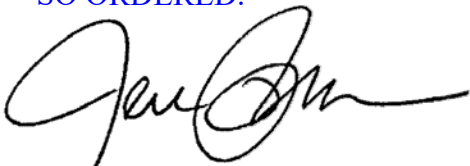
Accordingly, the Parties request that the Court stay proceedings for 90 days and set aside current deadlines.

Dated this 5th day of October, 2022.

Respectfully submitted,

Application GRANTED. The parties are directed to provide a status update on or before **January 3, 2023**. The Clerk of Court is directed to terminate ECF No. 20.

SO ORDERED.



October 6, 2022

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